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56 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
89 Alejandro Velasquez,
1011 Petitioner,
1213 v.
1415 Jason Gunther,
1617 Respondent.
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No. CV-24-02446-PHX-JAT

ORDER

20 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus filed
21 pursuant to 28 U.S.C. § 2241. The Magistrate Judge to whom this case was referred issued
22 a Report and Recommendation ("R&R") recommending the Petition be denied and
23 dismissed without prejudice. (Doc. 12). The time for filing objections has run, and neither
24 party filed objections.

25 This Court "may accept, reject, or modify, in whole or in part, the findings or
26 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that
27 the district judge must review the magistrate judge's findings and recommendations *de*
28 *novo if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d
1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263
F.Supp.2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that
de novo review of factual and legal issues is required if objections are made, 'but not
otherwise.'"); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d
1027, 1032 (9th Cir. 2009) (the district court "must review *de novo* the portions of the

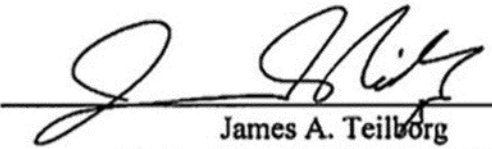
1 [Magistrate Judge's] recommendations to which the parties object."). District courts are
2 not required to conduct "any review at all . . . of any issue that is not the subject of an
3 objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C.
4 § 636(b)(1) ("the court shall make a *de novo* determination of those portions of the [report
5 and recommendation] to which objection is made.").

6 No objections having been filed,

7 **IT IS ORDERED** that the Report and Recommendation (Doc. 12) is accepted; the
8 Petition is denied and dismissed, without prejudice, and the Clerk of the Court shall enter
9 judgment accordingly.¹

10 Dated this 17th day of April, 2025.

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James A. Teilborg
Senior United States District Judge

¹ Because the Petition was filed pursuant to § 2241, no certificate of appealability is necessary. *See Forde v. U.S. Parole Comm'n*, 114 F.3d 878, 879 (9th Cir. 1997).